

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JAMES M. PLASSE

Plaintiff,

vs.

**TYCO ELECTRONICS
CORPORATION,**

Defendant.

Civil Action No. 04-CV-30056-MAP

**DEFENDANT’S MOTION: (1) TO COMPEL PLAINTIFF’S DEPOSITION; (2)
TO COMPEL PLAINTIFF TO PRODUCE COMPUTERS AND OTHER MEDIA
STORAGE DEVICES FOR INSPECTION BY DEFENDANT’S COMPUTER
EXPERT; AND (3) TO COMPEL PLAINTIFF TO PRODUCE ORIGINAL
DOCUMENTS FOR INSPECTION AND ANALYSIS BY DEFENDANT’S INK
DATING EXPERT**

Defendant Tyco Electronics Corporation (“TEC”) moves to compel plaintiff James M. Plasse’s deposition and to compel production and permit inspection of (1) computers and other media storage devices and (2) original documents.

TEC contends that Plasse repeatedly and willfully provided false deposition testimony and fabricated a document, both of which were intended by Plasse, to conceal and obscure fraudulent representations made to TEC at the time of Plasse’s application for employment. TEC seeks to inspect Plasse’s computers and other media storage devices to ascertain when limited documents were created and/or modified. To date, Plasse has failed to identify the particular computer(s) used to create the subject documents. TEC seeks to depose Plasse on the limited issue of identification of the computers used by and accessible to him during the relevant time periods. Finally, TEC also seeks to conduct an ink dating analysis to determine if documents were recently fabricated, and requests that Plasse be ordered to produce the original document at issue.

In support of this motion, TEC submits the accompanying Memorandum in Support of Motion to Compel and Exhibits, as well as the Declaration of Peter Garza.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), TEC hereby requests oral argument concerning this Motion.

Respectfully submitted,

TYCO ELECTRONICS CORPORATION,

By its attorneys:

/s/ Jeffrey D. Clements

Jeffrey D. Clements, BBO #632544
Clements & Clements LLP
50 Federal Street
Boston, MA 02110
(617) 451-1802

Mark Diana, *pro hac vice*
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
10 Madison Avenue, Suite 402
Morristown, NJ 07960
(973) 656-1600

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I, Jeffrey D. Clements, hereby certify that I have conferred with Maurice Cahillane, counsel for plaintiff James Plasse in a good faith effort to narrow or resolve the issue.

/s/ Jeffrey D. Clements

CERTIFICATE OF SERVICE

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served electronically and by first class mail to counsel of record for the plaintiff on June 13, 2005.

/s/ Jeffrey D. Clements

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